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ABSTRACT

This paper examines four issues related to religion and the public schools: (1) released-time education; (2) variations in interpretation of court decisions; (3) teacher attitudes toward religious instruction; and (4) freedom of religious expression. Released-time education programs were held to be constitutional in "Zorach v. Clauson." The decision stated that the programs must be held off campus, for 1 hour per week, and with no public funding. The test used for interpretation of the establishment clause of the First Amendment is composed of three questions: (1) is the purpose of the program secular; (2) is the primary effect neither to advance nor inhibit religion; and (3) is there avoidance of excessive entanglement between state and religion. The interpretation may be different, based on the way information is presented in the case. Teacher attitudes toward religious instruction were revealed to differ widely in a survey of 55 teachers enrolled in classes at Eastern Washington University. "Mozert et al. v. Hawkins County Public Schools et al. (Greensville, Tennessee) in which a federal judge allowed children to study reading at home was an exemplary case involving freedom of religious expression. Through examination of these four issues, it was found that there is the potential for the abuse of First Amendment rights. To enhance children's education, it is necessary for teachers, parents, the legal system, and administrators to work together. (SM)

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Summary of the Critical Issues
in Religious Education in the Public Schools

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Introduction

The First Amendment of the United States Constitution declares that:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances (Small & Jayson, 1964).

The religious implications of this amendment have influenced the range of public school activities, affected classroom curriculum, and diversified teacher ethics and philosophies. A battle has continued between the interpretation of imposed religion versus freedom of religion. This has been evident in the increasing debates within the judicial system.

Statement of the Problem

There have been many contradicting viewpoints surrounding religious issues in the public schools. The opposing interpretations have generated an ongoing debate between the separation of church and state.

Rationale

To better understand the controversial religious perspective, it is necessary to examine the religious options within the public schools. It is therefore essential to view the legal

restrictions within the schools by analyzing the guidelines that are decided by the courts and implemented by the schools.

Historical Perspective

Religion has played an important role in our history. Education in the 1600's was founded by religious groups who directed curriculum to revolve around the Bible (Kniker, 1985). This was in contrast to present day education where it is possible for various religious groups to fight for curriculum that does not oppose their specific religious beliefs (Washington Post, 1986).

Education has reached the point where curriculum can now be challenged as a result of past religious influences. For example, in the 1890's the growing diversity of religious differences was exemplified in the continual court cases discussing the impact of the Bible within education. In the public schools the Bible reading was often influenced by the Protestant perspective. In response, Catholics objected to reading the Bible in the public schools. Other key issues involved the controversy of where religion should be taught (Kniker, 1985). Continual court cases reflected the response of public attitudes (Epley, 1984, Dilzer, 1984). This has resulted in the emergence of released-time education, (Ericsson, 1982) the acknowledgement of freedom of religion, and the change in teacher instruction (Washington Post, 1986). It should be noted that the variation in judges' interpretations has

perpetuated the controversy of locations for religious instruction (Zirkel, 1985).

Critical Issues In Religion and Public Schools

Through an examination of recent literature, it was determined that there were four critical issues related to religion and the public schools. The topics to be addressed and summarized are: released-time education (Ericsson, 1982), variations in interpretation of court decisions (Zirkel, 1985), teacher attitudes toward religious instruction (Ericsson, 1982) and freedom of religious expression (Epley, 1984; Dilzer, 1984).

Released-Time Education

Released-time education is the allowance of a student from any grade level to leave school grounds with parental permission in order to receive religious instruction. The instruction usually ranges from one to three hours per week (Ericsson, 1982).

The first two United States Supreme Court cases that dealt specifically with released-time education were Illinois ex rel. McCollum v. Board of Education (1948) and Zorach v. Clauson (1952) (Ericsson, 1982).

In the McCollum case, released-time education consisted of religious representatives instructing religion courses in the public classrooms for less than one hour per week. The court held that the released-time program was in violation of the First Amendment, that is, the government can establish no official religion (Ericsson, 1982).

The second case, Zorach v. Clauson, upheld the released-time education program. The conditions stated that for released-time education to be implemented it must be held off campus, for one hour per week and with no public funding (Ericsson, 1982). Zorach is still a valid decision and is used in the federal courts today (Ericsson, 1982).

Since Zorach, continual court cases debating released-time education have resulted in both positive and negative reactions. Seven illustrations from various court cases depicting the pros and cons are exemplified.

Pros

Religion courses:

- 1) aide in building and strengthening strong morals and values (Ericsson, 1982).
- 2) do not involve any additional expense to school or state (Yoder v. Wisconsin, 1972, Pearce v. Society of Sisters, 1925, Lanner v. Wimmer, 1981, and Smith v. Smith, 1975).
- 3) recognize constitutionally protected rights of parents to direct the religious upbringing of their children Yoder v. Wisconsin, 1972, Pearce v. Society of Sisters, (1925), Lanner v. Wimmer, 1981, and Smith v. Smith, 1975).
- 4) give instruction that school is not able to provide on campus (Ericsson, 1982).

Cons

Religion courses:

- 1) add peer pressure if programs are attended (Zorach v.

Clauson, 1952, and Perry v. School District Number 81, 1959).

- 2) interrupt normal class activity when some students leave for religious programs (Zorach v. Clauson, 1952, and Perry v. School District Number 81, 1959).
- 3) effect the primary goal of school - to educate students in academics, not to accomodate religious instruction (School District of Abington v. Schempp, 1963).

These beliefs, and others, represent the difference of opinion among educators and parents. It is reasoned that released-time education has involved considerable cooperation among the schools, the parents and the church.

Interpretation of Court Decisions

The courts have used a tripartite, or three-prong, test since 1971 for the Establishment Clause cases of the First Amendment (Zirkel, 1985). The test is composed of three questions: 1) is the purpose of the program secular? 2) is the primary effect neither to advance nor inhibit religion? 3) is there avoidance of excessive entanglement between state and religion? (Zirkel, 1985; Ericsson, 1982). The Establishment Clause is violated if the answers to any one or more of the three questions is found to be "no" (Zirkel, 1985).

Attitudinal differences among judges and the power of the administrators in the school system can influence the information used in the tripartite test. The tripartite test is used widely. Both state and federal judges interpret the test differently according to the information presented

(Zirkel, 1985). For example, if the administration said "no" to a student's request for a moment of meditation in the classroom, the administration could be held liable for neglecting the student's First Amendment rights of Free Exercise and Free Speech (Zirkel, 1985). On the other hand, if the administration said "yes" to a student's request for a moment of meditation in the classroom, the administration could be held liable for neglecting the other students' First Amendment rights of Free Exercise and Free Speech (Zirkel, 1985). The school officials have a subtle yet powerful amount of influence on the judicial system (Zirkel, 1985). Through the use of semantics, the administration and the courts have been able to "manipulate" the tripartite test (Zirkel, 1985).

Teacher Attitudes Toward Religious Instruction

Concerning the dilemma in religious instruction, professional educators should be encouraged to voice their opinions. This will add another perspective in addition to the administrators' and courts' viewpoints.

In the summer of 1984, fifty-five teachers and two student teachers enrolled in Eastern Washington University classes voluntarily completed a seven page questionnaire. The questionnaire asked for their personal religious practices and beliefs, their attitudes toward the concept of school prayer, and their attitudes concerning a proposed amendment (Shreeve, Radebaugh, Norby, Goetter, Stueckle, Midgley & de Michele, 1984). The amendment was brought before the United States Senate by advocates for school prayer. In the amendment there

were three key points stated.

- 1) Individual or group prayer should not be prohibited in public schools or other institutions.
- 2) No state nor the United States should mandate a person to participated in prayer.
- 3) No state nor the United States should have the authority to write prayers to be used in public schools (Shreeve, et. al, 1984).

Regarding teachers' personal religious practices, results showed that most were Protestant (72%) or Catholic, (21%) and four (7%) were Buddhist, Agnostic, Atheistic or had no religious affiliation. No one who was Jewish or Moslum participated in the study (Shreeve, et. al, 1984).

A variety of information was collected pertaining to teachers' personal beliefs, such as the frequency of church attendance, amount of praying, and code or moral values (Shreeve, et. al, 1984). Most of the teachers (84%) agreed that religious instruction should be taught at home. A majority (70%) also thought that the child's church affiliation should be responsible for religious instruction. A small percentage (9%) felt religious instruction should be taught in the schools (Shreeve, et. al, 1984).

Several different questions were posed to determine teacher attitudes toward the general concept of school prayer. Results indicated that most of the teachers (80%) stated student discipline would not be affected by school prayer and if school

prayers were implemented they should be silent (74%). About half (49%) said that in order for teachers to lead prayers they should not receive special religious training. Some (39%) believed that the issue of separation of church and state was not threatened by school prayer while even fewer (37%) stated that separation was threatened by prayer in school. And, nearly a fourth of the teachers (27%) were undecided (Shreeve, et. al, 1984).

Results concerning the proposed amendment indicated that many of the teachers (40%) favored the amendment. A smaller percentage (35%) wanted another option or were undecided (Shreeve, et. al, 1984).

Though this was only one example of teachers' attitudes, it was significant because it represented the diversity in teachers' opinions. Through this diversity of teachers' opinions new viewpoints may alter or add to a school's policy of religious instruction. Therefore, not only can the courts' and administrators' viewpoints be represented, but the teachers' viewpoints can be, as well.

Freedom of Religious Expression and Its Impact on Public Education

Religious education in public schools has often been criticized. Due to the various religious beliefs, curriculum has been accused of containing either too much or too little religion, or philosophies that are not universal. These differences of opinions often stem from public perceptions.

In a recent court case (Mozert et. al v. Hawkins County Public Schools et. al, 1986) fundamentalist parents challenged the public schools in Hawkins County, Tennessee, to excuse their children from reading class to avoid books that they regarded as

anti-Christian. A federal judge, Judge Hull, in Greenville, Tennessee, ruled that requiring fundamentalist Christians to use textbooks that offended their religious beliefs was unconstitutional (Washington Post, 1986). The parents also requested that the schools be required to buy alternate textbooks that supported their religious views. Hull, however, did not grant the parents' request, stating that "such accomodation would advance a particular religion and involve an excessive entanglement between state and religion" (Washington Post, 1986). Hull ruled instead the children be allowed to leave the school for reading courses and study reading at home. The parents would be required to adhere to the Tennessee laws governing home schooling (Washington Post, 1986).

This court case has demonstrated how the judges rule some arguments as unconstitutional, while other similar arguments are found to be adhering to the rights of the First Amendment. Although freedom of religious expression has not been stifled, laws have been set which have limited the granting of requests.

Summary and Implications

Including the First Amendment in this paper was necessary since freedom of expression and religion form the foundation from which all religious issues in education are built. Various aspects of religious issues have been examined - released-time education, interpretation of court decisions, teacher attitudes toward religious instruction, and freedom of religious expression. By examining these issues it was found that there is the potential for the abuse of the First Amendment rights. In order to objectively adhere to the rights of the First Amendment, it is necessary for the administrators, the teachers, the legal system,

and the parents to support one another and work cooperatively. To achieve full cooperation all viewpoints need to be combined and considered. It would be ideal if these combined viewpoints could limit the bureaucratic manipulation of religious instruction and enhance childrens' education.

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